

Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

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TO SECSTATE WASHDC IMMEDIATE 6574

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY BRUSSELS

AMEMBASSY LISBON

AMEMBASSY COPENHAGEN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

USMISSION NATO

USEC BRUSSELS

C O N F I D E N T I A L MADRID 5838

E.O. 11652: GDS

TAGS: PGOV,SP

SUBJECT: SHAPE OF THE AMNESTY

1. THE NEW UNDER SECRETARY OF THE MINISTRY OF THE INTERIOR, ORTI BORDAS, GAVE EMBOFFS A FORMAL BRIEFING ON THE AMNESTY TO BE PROPOSED TO THE KING TODAY AT THE COUNCIL OF MINISTERS AT LA CORUNA, GALICIA. ORTI BORDAS SAID THE AMNESTY WOULD COVER THE FOLLOWING POINTS:

-- ALL POLITICAL CRIMES (ILLEGAL MEETINGS, PROPAGANDA, ETC.) BUT NO AMNESTY, OF COURSE, TO TERRORISTS.

--CONSCIENTIOUS OBJECTORS (LATER A LAW DEALING WITH
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CONSCIENTIOUS OBJECTORS WOULD HAVE TO BE DRAWN UP TO DEAL

WITH THIS CONTINUING PHENOMENA.)

--ADMINISTRATIVE SANCTIONS, WHAT WE WOULD THINK OF AS DEPRIVATION OF CIVIL RIGHTS, AGAINST PUBLIC EMPLOYEES WHO WERE FIRED, EITHER BECAUSE THEY WERE ON THE REPUBLICAN SIDE, OR BECAUSE OF POLITICAL VIOLATIONS COMMITTED IN LATER YEARS. (FOR EXAMPLE, TIerno GALVAN WOULD BE REINSTATED AS A PROFESSOR AT THE UNIVERSITY.) IN FACT MOST OF THE PEOPLE WHO WERE FIRED FROM PUBLIC JOBS BECAUSE OF THEIR REPUBLICAN LEANINGS HAVE MADE A NEW LIFE OR HAVE RETURNED TO PUBLIC ADMINISTRATION, SO THAT THE NUMBER OF PEOPLE ACTUALLY REENTERING PUBLIC EMPLOYMENT WOULD NOT BE LARGE.

--AN AMNESTY FOR POLITICAL OFFENSES COMMITTED BY MILITARY, TO INCLUDE REPUBLICAN MILITARY FIGURES AND THE RECENT UMD 9 WHO ARE STILL IN MILITARY CONFINEMENT. FOR OBVIOUS REASONS, NO MILITARY OFFICER BENEFITING FROM THIS AMNESTY WOULD BE PERMITTED TO RETURN TO MILITARY SERVICES. (THE PARALLEL WITH OUR OWN CIVIL WAR WAS DRAWN.) AT THE SAME TIME REPUBLICAN MILITARY OFFICERS WOULD NOW HAVE THEIR QUOTE PASSIVE UNQUOTE RIGHTS RESTORED INCLUDING ELIGIBILITY FOR PENSIONS.

2. PEOPLE WHO COMMITTED FISCAL CRIMES, THAT IS TOOK MONEY ILLEGALLY OUT OF THE COUNTRY, WOULD NOT BE COVERED. WE NOTE THAT THERE IS NO NECESSARY CONNECTION, BUT AT THE TIME WHEN MANY ARE CONCERNED ABOUT CAPITAL FLIGHT ON THE PART OF THE WELL-TO-DO, THE GOS APPARENTLY WANTS TO MAKE A POINT.

3. WE ASKED ABOUT OPPOSITION REACTION AND ORTI BORDAS SAID HE EXPECTED CRITICISM, ALTHOUGH NOT FROM THE MODERATES, ON GROUNDS THAT THE TERRORISTS HAVE NOT BEEN FREED BUT MORE SO ON GROUNDS THAT THERE WAS NO "LABOR AMNESTY". BUT THIS AMNESTY WAS BETWEEN THE GOVT AND ITS CITIZENS AND COULD NOT EFFECT THIRD PARTY RIGHTS, I.E. IF AN EMPLOYER HAD FIRED SOMEONE FOR AGITATION AND HAD BEEN UPHOLD BY THE LABOR TRIBUNALS, THE RECONSIDERATION OF THIS ACT WAS UP TO THE EMPLOYER. ORTI BORDAS SINGLED OUT AS VERY CONFIDENTIAL

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IMPORTANT THAT THE CHURCH WOULD BE TOTALLY SATISFIED BY THIS AMNESTY WHICH WOULD OBJECTIVELY SERVE AS AN ACT OF NATIONAL RECONCILIATION AND BRING AN END TO THE LEGAL EFFECTS OF THE SPANISH CIVIL WAR. HE NOTED THAT THE MILITARY AMNESTY HAD BEEN PARTICULARLY DELICATE BUT IN THE EVENT THE SPANISH MILITARY HAD AGREED.

4. OUR INITIAL READING, ASSUMING THERE ARE NO

HITCHES, IS THAT THIS AMNESTY--DESPITE SOME
INEVITABLE CRITICISM FROM THE LEFT OPPOSITION, PARTICULARLY
THE COMMUNIST PARTY, WILL BE WELL RECEIVED BY THE OPPOSITION.
IN THIS CONNECTION LEFT CHRISTIAN DEMOCRATIC LEADER RUIZ
GIMENEZ'S FAVORABLE REMARKS FOLLOWING HIS MEETING YESTERDAY
WITH PRIME MINISTER SUAREZ ARE PERHPAS A PORTENT. THIS
AMNESTY, GENEROURS BY ANY OBJECTIVE MESARUE, GIVES
THE GOVO
IPEZUNZIZJV CKJWYPLCT OF ITS PURSIUT OF A
CONSENSUAL APPROACH TO A NEW POLITICAL SYSTEM AND HELPS
ESTABLISH ITS AUTHORITY OVER THE PROCESS.
STABLER

NOTE BY OC/T: TEXT AS RECEIVED. SERVICE ON REQUEST.

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